

Last Updated: 11/1/2011

FORM 1 (ND/SD MISS. JUL. 2011)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

TROUT POINT LODGE, LIMITED
a Nova Scotia Limited Company, ET AL

PLAINTIFF

v.

CIVIL ACTION
No. 1:12cv90-LG-JMR

DOUG K. HANDSHOE

DEFENDANT

CASE MANAGEMENT ORDER

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

IT IS HEREBY ORDERED:

1. ESTIMATED DAYS OF TRIAL: _____ legal issue submitted on briefs

ESTIMATED TOTAL NUMBER OF WITNESSES: _____

EXPERT TESTIMONY EXPECTED: No

2. ALTERNATIVE DISPUTE RESOLUTION [ADR].

Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.

The parties do not consent to trial by a United States Magistrate Judge.

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4. DISCLOSURE.

The following additional disclosure is needed and is hereby ordered:

5. MOTIONS; ISSUE BIFURCATION.

Staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42
(b) will assist in the prompt resolution of this action. Accordingly, the Court orders that:

Parties will file cross Motions for Summary Judgment within thirty days of receipt of the official transcript of the underlying proceeding held in Nova Scotia.

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

6. DISCOVERY PROVISIONS AND LIMITATIONS.

- A. Interrogatories are limited to _____ succinct questions.
- B. Requests for Production and Requests for Admissions are limited to _____ succinct questions.
- C. Depositions are limited to the parties, experts, and no more than _____ fact witness depositions per party without additional approval of the Court.

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- D. The parties have complied with the requirements of Local Rule 26(e)(2)(B) regarding discovery of electronically stored information and have concluded as follows [The parties MUST state whether or not there is ESI and, if so, how they propose to address it]:

- E. The court imposes the following further discovery provisions or limitations:

- 1. Defendant may have a Fed. R. Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff. The examination must be completed in time to comply with expert designation deadlines.
- 2. Pursuant to Rule 502(d) of the Federal Rules of Evidence, the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- 3. Plaintiff must execute a waiver of the medical privilege.
- 4. Other:
Plaintiff will provide opposing party with copy of transcript.

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Additional Provisions:

7. SCHEDULING DEADLINES

A. Trial. This action is set for NON-JURY TRIAL

beginning on: 1/14/2013 to 2/1/2013, at 9:00, a.m., in Gulfport,
Mississippi, before United States District Judge Guirola. THE
ESTIMATED NUMBER OF DAYS FOR TRIAL IS . ANY CONFLICTS WITH
THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE
IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

B. Pretrial. The pretrial conference is set on: December 19-21, 2012, at 9:00, a.m.,

in Gulfport, Mississippi, before United States District
Judge Guirola.

C. Discovery. All discovery must be completed by: July 20, 2012.

D. Amendments. Motions for joinder of parties or amendments to the pleadings must be
filed by: N/A.

E. Experts. The parties' experts must be designated by the following dates:

1. Plaintiff(s): N/A.

2. Defendant(s): N/A.

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8. MOTIONS. All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: August 3, 2012. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

9. SETTLEMENT CONFERENCE.

If the parties desire judicial assistance to settle the case after initial discovery, they will contact the Court to request a date for a settlement conference when they have obtained the discovery necessary to make the conference effective.

10. REPORT REGARDING ADR. On or before (7 days before FPTC) N/A, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

SO ORDERED:

May 9, 2012
DATE

s/ John M. Roper, Sr.
UNITED STATES MAGISTRATE JUDGE